

**Forest Service Partnership Authorities  
And  
Agreement Instruments  
For  
Cooperative Conservation  
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The Forest Service is authorized to enter into cooperative relationships in over thirty different laws relating to partnerships. These authorities are cited in Forest Service Manuals and Handbooks, as well as in the *Partnership Guide*. The Forest Service uses fourteen types of agreement instruments to document partnership relationships. The following is an annotated list of authorities under which the Forest Service may enter into partnerships with other federal agencies, states, Indian tribes, non-governmental organizations, and individuals. This compendium does not include statutes under which the Forest Service is authorized to procure goods or services under a procurement contract.

Under the Federal Grant and Cooperative Agreement Act (FGCAA), the Forest Service must determine whether a relationship is a procurement or an assistance relationship in determining whether to use a cooperative agreement, a grant, or a procurement contract. Unless the partnership statute exempts the Forest Service from the FGCAA, the Forest Service must apply the principle purpose test under the FGCAA to determine the appropriate instrument to use.

**Forest Service Partnership Authorities**

- **Cooperative Funds Act of June 30, 1914 (16 U.S.C. §498).** This Act authorizes the Forest Service to accept money received as contributions toward cooperative work in forest investigations or protection and improvement of the national forests (FSM 1584.11).
- **Granger-Thye Act of April 24, 1950 (16 U.S.C. § 572, 581i).** Section 5 of this Act authorizes the Forest Service to perform work: (a) on State, county, municipal, or private land within or near National Forest land, or (b) for others who occupy or use National Forests or other lands administered by the Forest Service (FSM 1584.12). Section 20 of this Act authorizes the Secretary to make funds available to cooperators, including states, public and private organizations, institutions, and individuals, in forest, range, and watershed management research.
- **The Act of August 27, 1958 (23 U.S.C. §308 (a), Pub. L. 85-767).** This Act authorizes the Federal Highway Administration to perform by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways on behalf of other Government agencies.
- **31 U.S.C. 6505, Pub. L. 97-258).** Under this authority the heads of executive agencies, including the Chief of the Forest Service, may provide services prescribed by the President to State and local governments when such entities request provision of these

services and when the requesting agency agrees to pay the federal agency for the cost of the services provided. (FSM 1581.12).

- **Acceptance of Gifts Act of October 10, 1978 (7 U.S.C. 2269, Pub. L. 95-442).** This Act authorizes the Secretary to accept gifts of cash as well as real and personal property, and this Act provides authority for the Forest Service to accept such donations. USDA requirements for and restrictions on acceptance of gifts are set out in Departmental Regulation 5200-3. (FSM 1584.13).
- **Volunteers in National Forest Act of 1972 (16 U.S.C. 558, Pub. L. 92-300).** This Act authorizes the Forest Service to recruit, train and accept the services of individuals without compensation, other than perhaps for incidental expenses, to support the activities of the Forest Service. (FSM 1583.17).
- **Cooperative Funds and Deposits Act of December 12, 1975 (16 U.S.C. 565a1-a3, note, Pub. L. 94-148).** Under this Act the Secretary is authorized to enter into cooperative agreements with cooperators to facilitate administration of Forest Service programs and activities: i) to construct, operate and maintain pollution abatement facilities; ii) to engage in cooperative manpower and job training programs; iii) to develop and publish environmental education and forest history materials; and iv) to perform forestry protection. The public interest must benefit and there must be a mutual interest other than monetary considerations. The Secretary may advance or reimburse funds to cooperators or furnish materials. (FSM 1587.11). In the 2002 Department of the Interior Appropriations Act, Congress modified the CFDA to provide that until September 30, 2007, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94-148 for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.
- **Federal Technology Transfer Act of 1986 (15 U.S.C. 3710a, Pub. L. 96-480).** This Act authorizes the Forest Service and other federal agencies operating federal laboratories to enter into cooperative research and development agreements with federal and non-federal laboratories in which the parties may exchange resources, technology, and personnel toward the conduct of specified research and development projects consistent with the laboratories' missions. (FSM 1587.14).
- **Interior and Related Agencies Appropriations Act of 1992 (Pub. L. 102-154, (Challenge Cost-Share)).** This Act authorizes the Forest Service to enter into challenge cost share agreements with cooperators in developing, planning, and implementing mutually beneficial projects that enhance Forest Service activities, where the cooperators provide funds or in-kind contributions. Cooperators may be public and private agencies, organizations, institutions, and individuals. The Cost-Share Agreements do not require a one-to-one match of contributions by the parties. (FSM 1587.12).

- **Interior and Related Agencies Appropriations Act of 1999, Section 323, Watershed Restoration Enhancement Agreement Authority, (Section 323 of P.L. 105-277, has been extended through 2011).** This Act provides the statutory authority by which the Forest Service may enter into watershed restoration and enhancement agreements with willing federal, tribal, State, and local governments, private and nonprofit entities and landowners to protect, restore, and enhance fish, wildlife, and other resources on public or private land or both that benefit these resources within a watershed.
- **Title 7, United States Code, Section 2204a.** This section provides for the exchange of personnel and facilities in each field office of the Department of Agriculture to the extent necessary and desirable to achieve the most efficient use of personnel and facilities and to provide the most effective assistance in the development of rural areas in accordance with State rural development plans (FSM 1585.11).
- **Federal Employees International Organization Service Act (5 U.S.C. 3343 and 3581-3584).** This Act authorizes the Forest Service to detail employees to an international organization which requests the employees' services for a period not to exceed 5 years.
- **United States Information and Exchange Act (22 U.S.C. 1451 and 1479, P.L. 97-241).** This Act authorizes the Director of the U.S. Information Agency to cooperate with a foreign government by providing, at the foreign government's request, federal employees with specific technical or professional qualifications to the foreign governments. (FSM 1584.16).
- **International Forestry Cooperation Act of 1990 (16 U.S.C. 4501, P.L. 101-513, as amended).** This Act authorizes the Forest Service to cooperate with and provide assistance to domestic and international organizations to further international programs which support global environmental stability, scientific exchange and educational opportunities, and technical and managerial expertise (FSM 1581.12). Assistance under this Act is to be provided only at the request or with the concurrence of the Administrator of the U.S. Agency for International Development.
- **National Agricultural Research, Extension and Teaching Act of 1977 (Pub. L. 95-113), as Amended by The Food Security Act of 1985 (7 U.S.C. 3152, 3318, and 3319, Pub. L. 99-198).** This Act authorizes the Forest Service to:
  - a. Enter into joint venture agreements with any entity or individual to serve the mutual interest of the parties in agricultural research and teaching activities (7 U.S.C. 3318(b)).
  - b. Enter into cost reimbursable agreements with State cooperative institutions for the acquisition of goods or services, including personal services, without seeking competition, to carry out agricultural research or teaching activities of mutual interest (7 U.S.C. 3319(a); FSM 1587.13).

- **Forest and Rangeland Renewable Resources Research Act of 1978, as Amended (16 U.S.C. 1641-1646, Pub. L. 95-307).** This Act authorizes the Secretary to implement a program of forest and rangeland renewable resources research and dissemination of the research findings. This statute authorizes the Secretary to cooperate with international, federal, State, and other governmental agencies, private agencies, institutions, universities, and organizations, and with businesses and individuals in the U.S. and other countries in implementing this authority. This authority includes authority to accept gifts, donations, and bequests of money and real and personal property not otherwise prohibited by law to establish research facilities and perform forestry research. This statute also authorizes the Secretary to make competitive grants that will further research activities authorized under the Act. (FSM 1581.11 and FSM 1584.14).
- **Cooperative Forestry Assistance Act of 1978, as Amended (16 U.S.C. 2101-2114, Pub. L. 95-313).** This Act authorizes the Forest Service to work through and in cooperation with State foresters or equivalent state officials, and other countries in implementing federal programs affecting non-Federal forest lands (FSM 1581.13).

**§2102 - Rural Forestry Assistance:** The Secretary has authority to provide financial technical, educational and related assistance to state foresters and extension directors.

**§2103 - Forest Stewardship Program:** This subsection authorizes assistance to private forest landowners via states to encourage long-term stewardship of non-industrial private forest land.

**§2103b - Stewardship Incentive Program:** This subsection authorizes cost-sharing assistance to private forest land owners to support stewardship practices.

**§2103c - Forest Legacy Program:** This subsection authorizes protection of forest areas threatened by conversion to non-forest uses in cooperation w/other units of government, including through the acquisition of conservation easements.

**§2104 - Forest Health Protection:** This subsection authorizes the Forest Service to take action to protect National Forest System lands and to cooperate with others on non-Federal lands (forest management practices, disease monitoring and eradication, etc.)

**§2105 - Urban and Community Forestry Assistance:** This subsection authorizes assistance to state foresters to assist local governments and others to aid urban forestry programs - financial, educational, and technical assistance. It also contains authority to establish a challenge cost-share program and creation of a National Urban Forestry Advisory Council.

**§2106 - Rural Fire Prevention and Control:** This subsection authorizes assistance to state foresters to prevent, control, suppress, and prescribe use of fires on non-Federal forest lands.

**§2107 - Assistance to States:** This subsection authorizes assistance to states to develop stronger state organizations dealing with non-Federal forest lands.

**§2109 - General Provisions:** Under this subsection the Secretary shall encourage cooperation between state officials regarding natural resource management and will coordinate assistance with other programs in USDA and other agencies. This subsection also establishes authority for the provision of assistance to other countries consistent with the purposes in §2102.

- **National Forest Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6601 note, Pub. L. 101-624).** Title XXIII, Subtitle G, Rural Revitalization Through Forestry, authorizes Forest Service establishment and implementation of educational programs and technical assistance to businesses, industries, and policy makers to create jobs, raise incomes, and increase public revenues in ways that are consistent with environmental concerns (FSM 1581.15). Under this authority the Forest Service, in collaboration with eligible institutions, may carry out a program to accelerate adoption of technologies using biomass and small diameter materials, create community-based enterprises through demonstration projects, and establish small-scale business enterprises to make use of biomass and small diameter materials.
- **The Reciprocal Fire Protection Act of May 27, 1955 (42 U.S.C. 1856a – 1856o, Pub. L. 84-46).** This Act authorizes the Secretary of Agriculture or the Secretary of the Interior to enter into reciprocal agreements with any foreign fire organization for mutual aid in furnishing wildfire protection resources for lands and other properties for which the Secretary or the Forest Service normally provides wildfire protection (FSM 1580.14, FSM 1582). In addition, this Act authorizes the Secretaries to enter into reciprocal wildlife protection agreements with any governmental entity or public or private corporation maintaining fire protection facilities in the U.S. maintaining fire protection facilities in the vicinity of federal property for mutual aid in fire protection.
- **National Forest System Federal Enforcement of Local Laws Act of August 10, 1971 (16 U.S.C. 551a, Pub. L. 92-82).** This Act authorizes Forest Service cooperation with State or political subdivisions to enforce or supervise laws and ordinances of a State or political division on national forest lands (FSM 1582). This Act authorizes the Forest Service to reimburse States or their subdivisions in connection with activities that they undertake on National Forest System lands.
- **National Forest Roads and Trails Act of October 13, 1964 (16 U.S.C. 532-538, Pub. L. 88-657).** This Act authorizes Forest Service financing and/or cooperation with other public agencies, private agencies, or persons for acquisition, construction, and maintenance of forest development roads within or near national forests (FSM 1582).
- **National Trails System Act (16 U.S.C. 1246(h), Pub. L. 90-543).** This Act authorizes Forest Service cooperation with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of

national trail system trails either inside or outside a federally administered area (FSM 1581.17).

- **Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq, Pub. L. 90-542).** This Act authorizes Forest Service cooperation with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources (FSM 1581.18).
- **Federal Noxious Weed Act of 1974 (Pub. L. 93-629, 7 U.S.C. 2801 et seq, Pub. L. 101-624).** Title XIV, Subtitle D – Other Conservation Measures, authorizes the Forest Service to issue cooperative agreements to State agencies (or political subdivisions thereof responsible for the administration or implementation of undesirable plant laws of a State).
- **National and Community Service Act of 1990 (42 U.S.C. 12501, Pub. L. 101-610).** Subtitle C, National Service Trust Program, establishes the Corporation for National Community Service which may enter into contracts or cooperative agreements with Federal agencies to support a national service program carried out by the agency (FSM 1581.20).
- **Youth Conservation Corps Act of 1970, amended 1974 (Pub. L. 93-408, 86 Stat., 1319, U.S.C. 1701 – 1706).** This Act authorizes the Forest Service to utilize the Corps or any qualified youth or conservation corps to carry out appropriate conservation projects on public lands, Indian lands, and Hawaiian homelands. Conservation projects may be carried out on State, local, or private lands as part of disaster prevention or relief efforts in response to an emergency or major disaster declared by the President (FSM 1581.21).
- **Job Corps – Title IV, Part B.** Through an interagency agreement with the U.S. Department of Labor, the Forest Service operates 18 Job Corps Civilian Conservation Centers (for at-risk youth) on National Forest System lands.
- **Senior Community Service Employment Program (SCSEP) – Title V of the Older American Act of 1965 as amended (42 U.S.C 3056, et seq., FSM 1860).** This program provides part-time, community-service based work experience, training and a transition to the public and private sector labor markets for people age 55 and older. The program is funded by the Department of Labor.
- **Hosted Programs: Job Training Partnership Act of 1982 (P.L. 97-30 and as amended in Title I, Chapter 6, Subtitle C), Workforce Investment Act of 1998 (112 Stat. 936, P.L. 105-220, August 7, 1998), and other authorities (refer to FSM 1810 and FSM1850).** Hosted programs provide conservation training and work opportunities on national forests or in conjunction with federal programs. Key partnerships exist with the Student Conservation Association and many of the state and local conservation corps who are members of the National Association of Service and Conservation Corps.

**Tribal Forest Protection Act of 2004: 25 U.S.C. 3115a, Pub. L. 108-278 (2004):** The TFFPA authorizes the Secretaries of Agriculture and the Interior to enter into agreements

and contracts with Indian tribes to carry out projects on federal lands to protect adjacent or bordering Indian forest land, rangeland or communities. Indian tribes submit project proposals to the Forest Service or BLM that are intended to address fire, disease, or other threats to Indian forest or rangeland, or where the Forest Service or BLM land is in need of restoration. The Secretaries are to respond to tribal project proposals within 120 days from the date a project proposal is submitted. Proposals may not be accepted if the proposed activity is already covered by a stewardship contract or other agreement that would present a conflict on the subject land. Any proposals that are accepted are subject to NEPA. The decision whether to authorize tribes' project proposals is at the discretion of the Secretaries.

- **Healthy Forest Restoration Act of 2003 (HFRA), 16 U.S.C. 6531, 6541 – 6542, Pub. L. 108-148, Title II and III:** Title II of HFRA authorizes the Secretary to make grants to persons who own or operate facilities that use biomass for wood-based products or other commercial purposes. Title III of the Act authorizes the Secretary to provide watershed forestry assistance to States and Indian tribes to address watershed issues on land under the jurisdiction of the States and Indian tribes respectively.